



# House of Representatives

## File No. 819

General Assembly

January Session, 2017

**(Reprint of File No. 666)**

Substitute House Bill No. 7308  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2017

### **AN ACT CONCERNING CAMERA AND RECORDING DEVICES AND EQUIPMENT USED BY POLICE.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (*Effective from passage*) (a) There is established a task force  
2       to examine the use of body-worn recording equipment by state and  
3       municipal police in accordance with section 29-6d of the general  
4       statutes, as amended by this act. Such task force shall examine (1)  
5       whether such statute should be expanded or otherwise amended,  
6       including, but not limited to, a consideration of whether such statute  
7       or any other statute should address the use of electronic defense  
8       weapon recording equipment, as defined in section 7-277b of the  
9       general statutes, as amended by this act, (2) training associated with  
10      the use of such equipment, and (3) data storage and freedom of  
11      information issues associated with the data created by the use of such  
12      equipment.

13      (b) The task force shall consist of (1) the following members or their  
14      designees: (A) The chairpersons and ranking members of the joint  
15      standing committees of the General Assembly having cognizance of

16 matters relating to the judiciary and public safety, (B) the Chief State's  
17 Attorney, (C) the Chief Public Defender, and (D) the chairperson of the  
18 Freedom of Information Commission; (2) (A) an active or retired judge  
19 appointed by the Chief Justice of the Supreme Court, (B) a municipal  
20 police chief appointed by the president of the Connecticut Police Chiefs  
21 Association, (C) a representative of the Police Officer Standards and  
22 Training Council, (D) a representative of the State Police Training School  
23 appointed by the Commissioner of Emergency Services and Public  
24 Protection, and (E) a representative of the criminal defense bar appointed  
25 by the president of the Connecticut Criminal Defense Lawyers  
26 Association; (3) six public members, appointed one each by the president  
27 pro tempore of the Senate, the speaker of the House of Representatives,  
28 the Senate Republican president pro tempore, the majority leader of  
29 the Senate, the majority leader of the House of Representatives and the  
30 minority leader of the House of Representatives; and (4) four sworn police  
31 officers, (A) one of whom is a member of the Connecticut State Police  
32 Union, appointed by the president pro tempore of the Senate, (B) one of  
33 whom is a member of a municipal police department that serves a  
34 municipality with seventy-five thousand residents or more, appointed by  
35 the speaker of the House of Representatives, (C) one of whom who is  
36 female, appointed by the Senate Republican president pro tempore, and  
37 (D) one of whom is a member of a municipal police department that  
38 serves a municipality with less than seventy-five thousand residents,  
39 appointed by the minority leader of the House of Representatives.

40 (c) Not later than February 1, 2018, the task force established pursuant  
41 to subsection (a) of this section, shall report its findings and any  
42 recommendations for legislation to the joint standing committees of the  
43 General Assembly having cognizance of matters relating to the judiciary  
44 and public safety, in accordance with section 11-4a of the general statutes.  
45 The task force shall terminate on the date that it submits such report or  
46 February 1, 2018, whichever is later.

47 Sec. 2. Section 7-277b of the general statutes is repealed and the  
48 following is substituted in lieu thereof (*Effective from passage*):

49 (a) The Office of Policy and Management shall, within available

50 resources, administer a grant program to provide grants-in-aid to  
51 reimburse (1) each municipality for the costs associated with the  
52 purchase by such municipality of body-worn recording equipment,  
53 electronic defense weapon recording equipment for use by the sworn  
54 members of such municipality's police department or for use by  
55 constables, police officers or other persons who perform criminal law  
56 enforcement duties under the supervision of a resident state trooper  
57 serving such municipality, and digital data storage devices or services,  
58 provided such equipment and device or service conforms to the  
59 minimal technical specifications approved pursuant to subsection (b)  
60 of section 29-6d, if applicable, and (2) any municipality making a first-  
61 time purchase of one or more dashboard cameras with a remote  
62 recorder. Any such municipality may apply for such grants-in-aid to  
63 the Secretary of the Office of Policy and Management in such manner  
64 as prescribed by said secretary. Such grants-in-aid shall be distributed  
65 as provided in subsection (b) of this section.

66 (b) (1) (A) Any municipality that purchased such body-worn  
67 recording equipment or electronic defense weapon recording  
68 equipment or made a first-time purchase of one or more dashboard  
69 cameras with a remote recorder during the fiscal years ending June 30,  
70 2017, and June 30, 2018, and digital data storage devices or services  
71 during the fiscal year ending June 30, 2017, shall, within available  
72 resources, be reimbursed for up to one hundred per cent of the costs  
73 associated with such purchases, provided the costs of such digital data  
74 storage services shall not be reimbursed for a period of service that is  
75 longer than one year, and provided further that in the case of  
76 reimbursement for costs associated with the purchase of body-worn  
77 recording equipment, such body-worn recording equipment is  
78 purchased in sufficient quantity, as determined by the chief of police in  
79 the case of a municipality with an organized police department or,  
80 where there is no chief of police, the warden of the borough or the first  
81 selectman of the municipality, as the case may be, to ensure that [each  
82 sworn member] sworn members of such municipality's police  
83 department [is] or constables, police officers or other persons who

84 perform criminal law enforcement duties under the supervision of a  
85 resident state trooper serving such municipality are supplied with  
86 such equipment while interacting with the public in such sworn  
87 [member's] members', such constables', such police officers' or such  
88 persons' law enforcement capacity.

89 (B) Any municipality that purchased such body-worn recording  
90 equipment or digital data storage devices or services on or after  
91 January 1, 2012, but prior to July 1, 2016, shall be reimbursed for costs  
92 associated with such purchases, but not in an amount to exceed the  
93 amount of grant-in-aid such municipality would have received under  
94 subparagraph (A) of this subdivision if such purchases had been made  
95 in accordance with said subparagraph (A).

96 (C) Any municipality that was reimbursed under subparagraph (B)  
97 of this subdivision for body-worn recording equipment and that  
98 purchased additional body-worn recording equipment during the  
99 fiscal ~~[year]~~ years ending June 30, 2017, and June 30, 2018, shall, within  
100 available resources, be reimbursed for up to one hundred per cent of  
101 the costs associated with such purchases, provided such equipment is  
102 purchased in sufficient quantity, as determined by the chief of police in  
103 the case of a municipality with an organized police department or,  
104 where there is no chief of police, the warden of the borough or the first  
105 selectman of the municipality, as the case may be, to ensure that [each  
106 sworn member] sworn members of such municipality's police  
107 department [is] or constables or other persons who perform criminal  
108 law enforcement duties under the supervision of a resident state  
109 trooper serving such municipality are supplied with such equipment  
110 while interacting with the public in such sworn [member's] members',  
111 such constables', such police officers' or such persons' law enforcement  
112 capacity.

113 (2) Any municipality that was not reimbursed under subdivision (1)  
114 of this subsection and that purchased such body-worn recording  
115 equipment [and] or electronic defense weapon recording equipment,  
116 digital data storage devices or services or for a first-time purchase of

117 one or more dashboard cameras with a remote recorder during the  
118 fiscal year ending June 30, [2018] 2019, shall, within available  
119 resources, be reimbursed for up to fifty per cent of the costs associated  
120 with such purchases, provided the costs of such digital data storage  
121 services shall not be reimbursed for a period of service that is longer  
122 than one year.

123 (c) For the purposes of this section, "electronic defense weapon  
124 recording equipment" means an electronic defense weapon that is  
125 equipped with electronic audio and visual recording equipment,  
126 "electronic defense weapon" has the same meaning as provided in  
127 section 53a-3, "dashboard camera with a remote recorder" means a  
128 camera that affixes to a dashboard or windshield of a police vehicle  
129 that electronically records video of the view through the vehicle's  
130 windshield and has an electronic audio recorder that may be operated  
131 remotely.

132 Sec. 3. Subsection (c) of section 29-6d of the general statutes is  
133 repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2017*):

135 (c) (1) On and after July 1, 2016, each sworn member of (A) the  
136 Division of State Police within the Department of Emergency Services  
137 and Public Protection, (B) the special police forces established pursuant  
138 to section 10a-156b, (C) any municipal police department for a  
139 municipality that is a recipient of grant-in-aid as reimbursement for  
140 body-worn recording equipment pursuant to subparagraph (A) or (C)  
141 of subdivision (1) of subsection (b) of section 7-277b, as amended by  
142 this act, or subdivision (2) of said subsection (b), and (D) any  
143 municipal police department for any other municipality that is a  
144 recipient of grant-in-aid as reimbursement for body-worn recording  
145 equipment pursuant to subparagraph (B) of subdivision (1) of said  
146 subsection (b) if such sworn member is supplied with such body-worn  
147 recording equipment, shall use body-worn recording equipment while  
148 interacting with the public in such sworn member's law enforcement  
149 capacity, except as provided in [subsections (g) and (j)] subsection (g)

150 of this section, or in the case of a municipal police department, in  
151 accordance with the department's policy, if adopted by the department  
152 and based on guidelines maintained pursuant to subsection (j) of this  
153 section, concerning the use of body-worn recording equipment.

154 (2) Any sworn member of a municipal police department, other  
155 than those described in subdivision (1) of this subsection, may use  
156 body-worn recording equipment as directed by such department,  
157 provided the use of such equipment and treatment of data created by  
158 such equipment shall be in accordance with the provisions of  
159 subdivisions (3) and (4) of this subsection, and subsections (d) to (j),  
160 inclusive, of this section.

161 (3) Each police officer shall wear body-worn recording equipment  
162 on such officer's outer-most garment and shall position such  
163 equipment above the midline of such officer's torso when using such  
164 equipment.

165 (4) Body-worn recording equipment used pursuant to this section  
166 shall conform to the minimal technical specifications approved  
167 pursuant to subsection (b) of this section, except that a police officer  
168 may use body-worn recording equipment that does not conform to the  
169 minimal technical specifications approved pursuant to subsection (b)  
170 of this section, if such equipment was purchased prior to January 1,  
171 2016, by the law enforcement agency employing such officer.

172 Sec. 4. Subsection (j) of section 29-6d of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective*  
174 *October 1, 2017*):

175 (j) [Not later than January 1, 2016, the] The Commissioner of  
176 Emergency Services and Public Protection and the Police Officer  
177 Standards and Training Council shall jointly [issue] maintain  
178 guidelines pertaining to the use of body-worn recording equipment,  
179 retention of data created by such equipment and methods for safe and  
180 secure storage of such data. Each law enforcement agency and any  
181 police officer and any other employee of such agency who may have

182 access to such data shall adhere to such guidelines. The commissioner  
183 and council may update and reissue such guidelines, as the  
184 commissioner and council determine necessary. The commissioner and  
185 council shall, upon issuance of such guidelines or any update to such  
186 guidelines, submit such guidelines in accordance with the provisions  
187 of section 11-4a to the joint standing committees of the General  
188 Assembly having cognizance of matters relating to the judiciary and  
189 public safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	7-277b
Sec. 3	<i>October 1, 2017</i>	29-6d(c)
Sec. 4	<i>October 1, 2017</i>	29-6d(j)

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	7-277b
Sec. 3	<i>October 1, 2017</i>	29-6d(c)
Sec. 4	<i>October 1, 2017</i>	29-6d(j)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Treasurer, Debt Serv.	GF - Potential Cost	See Below	See Below
Various State Agencies	GF - Potential Cost	Less than \$1,000	

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect
Various Municipalities	See Below

### **Explanation**

The bill establishes a task force regarding the use of body-worn recording equipment and expands the list of items for which municipalities may be reimbursed under an existing bond authorization. There are potential costs to the state. Additionally, the possibility of municipal reimbursement is expanded.

#### **Body Camera Task Force**

The bill establishes a task force to examine the use of body-worn recording equipment by state and municipal police. The task force shall report on its findings and recommendations to the Judiciary and Public Safety committees by February 1, 2018.

There may be a cost of less than \$1,000 in FY 18 to those agencies participating in the task force to reimburse legislators and agency staff for mileage expenses, currently at 53.5 cents/mile.



### **Body Camera Bond Funds**

The body-worn camera purchase program is funded through General Obligation (GO) bond funds. The program has been authorized for \$12 million in net bond funds since its inception in 2015.<sup>1</sup> As of May 30<sup>th</sup>, the unallocated bond balance available to the program is approximately \$9.1 million. The bill does not change GO bond authorizations relevant to the program.

Future General Fund debt service costs may be incurred sooner under the bill to the degree that the amendment causes authorized GO bond funds to be expended more rapidly than they otherwise would have been.

There is potential for municipalities who purchase or have purchased items from the expanded allowable item list, as described in the bill, to seek increased or additional reimbursements.

House “A” strikes the underlying bill and its associated fiscal impact and results in the fiscal impact described above.

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<sup>1</sup> \$3 million of the original \$15 million authorization was cancelled by PA 16-4 MSS.

**OLR Bill Analysis****HB 7308 (as amended by House "A")\******AN ACT CONCERNING A TASK FORCE TO EXAMINE ISSUES CONCERNING THE USE OF BODY-WORN CAMERA AND RECORDING EQUIPMENT BY POLICE.*****SUMMARY**

This bill expands a grant program administered by the Office of Policy and Management (OPM) secretary that reimburses municipalities for, among other things, purchasing body cameras for use by sworn members of municipal police departments. Generally, it (1) expands the types of equipment and law enforcement personnel eligible for the program to include electronic defense weapon recording equipment and first time purchases of dashboard cameras and (2) extends the program by one year, to FY 19. Under the bill, however, the reimbursement is provided within available resources.

The bill also establishes a 26-member task force to examine the use of body cameras by state and municipal police. It must report its findings and recommendations to the Judiciary and Public Safety committees by February 1, 2018.

With respect to municipal police departments that use body cameras, current law requires their use when interacting with the public in a law enforcement capacity, with certain specified exceptions (e.g., encounters with undercover officers or informants). The bill additionally requires that they be used in accordance with the department's policy for using body cameras, if it is adopted in accordance with guidelines issued by the Department of Emergency Services and Public Protection (DESPP) commissioner and Police Officer Standards and Training Council (POST).

Lastly, the bill makes minor, technical, and conforming changes.

\*House Amendment "A" (1) adds the provisions on the grant program and municipal policy and a technical change and (2) increases the size of the task force's membership from the underlying bill.

EFFECTIVE DATE: Upon passage, except that the municipal police department policy and a technical change are effective October 1, 2017.

### **GRANT PROGRAM**

Existing law requires the OPM secretary to administer a grant program to reimburse municipalities for, among other things, purchasing body cameras for use by sworn members of municipal police departments. The bill expands the program to cover (1) purchases of electronic defense weapon recording equipment and (2) use by constables, police officers, or other persons who perform criminal law enforcement duties under the supervision of a resident state trooper serving the municipality. It also expands the program to cover any municipality making a first-time purchase of one or more dashboard cameras with a remote recorder. However, it also stipulates that the reimbursement must be provided within available resources.

Under the bill, "electronic defense weapon recording equipment" means an electronic defense weapon that is equipped with electronic audio and visual recording equipment. A "dashboard camera with a remote recorder" is a camera that affixes to a dashboard or windshield of a police vehicle that electronically records video of the view through the vehicle's windshield and has an electronic audio recorder that may be operated remotely.

### ***Reimbursement Methodology***

The bill extends the grant program's deadline and modifies the equipment for which municipalities may receive reimbursement.

Current law requires that grants reimburse municipalities that purchase the following:

1. during FY 17, (a) enough body cameras in sufficient quantities (see below), at up to 100% of the costs and (b) for digital storage services at up to 100% of the costs (provided that reimbursement for such services is limited to the cost for up to one year);
2. (a) from January 1, 2012 through June 30, 2016, such equipment in an amount no greater than described above, and (b) additional body camera equipment during FY 17, if enough equipment is purchased to allow each sworn officer to have a device when interacting with the public in a law enforcement capacity, at an additional amount up to 100% of the costs; and
3. in FY 18, such equipment if the municipality was not reimbursed under the other provisions, at up to 50% of the costs. (For digital storage services, reimbursement is based on the cost of services for up to one year.)

The bill instead requires that grants, within available resources, reimburse municipalities that purchase the following:

1. during FYs 17 and 18, body cameras if a sufficient quantity are purchased (as described below), electronic defense weapon recording equipment, digital data storage devices or services (provided that reimbursement for such services is limited to the cost for up to one year), and first time purchases of one or more dashboard cameras with a remote recorder;
2. (a) from January 1, 2012 through June 30, 2016, such equipment in an amount no greater than described above and (b) additional body cameras during FY 17 and 18, if the body cameras were purchased in sufficient quantities as described below; and
3. in FY 19, body cameras, electronic defense weapon recording equipment, digital data storage devices or services, or first time purchases of dashboard cameras with a remote recorder if the municipality was not reimbursed under the above provisions, at up to 50% of the costs. (For digital storage services,

reimbursement is based on the cost of services for up to one year.)

***“Sufficient Quantity” of Body Cameras for Reimbursement Purposes***

Under current law, municipalities may receive reimbursement for body cameras if they are purchased in a sufficient quantity to ensure that each sworn member of the municipality’s police department is supplied with such equipment while interacting with the public in his or her law enforcement capacity. The bill instead allows municipalities to receive reimbursement for equipment that was purchased in sufficient quantity to ensure that sworn police department members, constables, police officers, or other individuals who perform criminal law enforcement duties under the supervision of a resident state trooper serving the municipality are supplied with the equipment for such purposes.

Under the bill, the number of cameras that are sufficient for these purposes must be determined by (1) the police chief if the municipality has an organized police department or (2) the borough warden or municipal first selectman, as the case may be, if there is no police chief.

**TASK FORCE**

The bill establishes a 26-member task force to examine the use of body cameras by state and municipal police. It must examine (1) whether the state statute on body cameras should be expanded or otherwise amended, including whether the statute or a different statute should address the use of electronic defense weapon recording equipment; (2) training associated with using such equipment; and (3) data storage and freedom of information issues associated with the data created by the use of such equipment.

The task force must report its findings and recommendations to the Judiciary and Public Safety committees by February 1, 2018. It terminates on the date it submits the report or February 1, 2018, whichever is later. Table 1 lists the task force’s membership.

Table 1: Task Force Membership

<i>Member</i>	<i>Appointing Authority</i>
Chairpersons and ranking members of the Judiciary and Public Safety committees, or their designees (eight members total)	N/A
Chief state's attorney, or his designee	N/A
Chief public defender, or her designee	N/A
Chairperson of the Freedom of Information Commission, or his designee	N/A
One active or retired judge	Chief Justice of the Supreme Court
One municipal police chief	President of the Connecticut Police Chiefs Association
One representative of POST	Not specified
One representative of the State Police Training School	DESPP commissioner
One representative of the criminal defense bar	Connecticut Criminal Defense Lawyers Association
Six public members	One each by the top six legislative leaders
A sworn police officer who is a member of the Connecticut State Police Union	Senate president pro tempore
A sworn police officer who is a member of a municipal police department that serves a municipality with 75,000 residents or more	House speaker
A female sworn police officer	Senate Republican president pro tempore
A sworn police officer who is a member of a municipal police department that serves a municipality with fewer than 75,000 residents	House minority leader

## COMMITTEE ACTION

### Judiciary Committee

#### Joint Favorable Substitute

Yea 31 Nay 8 (03/31/2017)